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**2005-2006**

**PUBLIC**

**SAFETY**

**RESOLUTIONS**

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**RESOLUTION NO. 2005-37**

**CONCERNING FUNDING FOR EDUCATION AND TRAINING  
OF EMERGENCY MEDICAL SERVICES PERSONNEL**

**Whereas**, emergency medical services personnel are first at the scene of illness or accident; and

**Whereas**, volunteers and paid emergency service providers are required to take classes and pass exams; and

**Whereas**, payment for these classes and for licensing/certification must be provided by individuals or by their Emergency Medical Services (EMS) departments; and

**Whereas**, volunteer EMS departments that do not transport patients, being unable to charge for patient care, are dependent on grants to pay for all education, training, equipment maintenance and supplies; and

**Whereas**, many individual volunteer emergency service providers must therefore assume much of the burden of paying "out of pocket" for the education and training that qualifies them to serve the public; and

**Whereas**, approximately 1,600 new students are trained statewide each year at a cost of \$400 per student; and

**Whereas**, it is in the interest of the public health that emergency service providers have the best possible training and education.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League seeks an increase to the EMS Fund in the amount of \$800,000 that specifically targets services to support training, education and certification/licensing costs for all EMS personnel; and

**Be It Further Resolved** that 20% of the \$800,000 targeted to support training, education and certification/licensing costs be allocated for all volunteer departments.

**Passed, Approved and Adopted** this 1st day of September, 2005 at the City of Roswell, New Mexico.

**RESOLUTION NO. 2005-38**

**CONCERNING AMENDMENT OF THE FIREWORKS  
LICENSING AND SAFETY ACT**

**Whereas**, Section 60-2C-1 et seq. NMSA 1978, cited as the “Fireworks Licensing and Safety Act” (“Act”) governs the sale and use of fireworks within New Mexico; and

**Whereas**, the Act authorizes and empowers the governing body of a municipality under certain circumstances to ban the sale and use of certain aerial and ground audible fireworks; and

**Whereas**, the Act authorizes and empowers the governing body of a municipality under certain circumstances to limit the use within its jurisdiction of other fireworks to only certain areas under certain conditions; and

**Whereas**, the Act authorizes and empowers the governing body of a municipality under certain circumstances to ban the use and sale of all fireworks within wildlands in its jurisdiction, under certain conditions; and

**Whereas**, the Act authorizes and empowers the governing body of a municipality under certain circumstances to ban or restrict the use or sale of display fireworks; and

**Whereas**, many areas of the State of New Mexico are experiencing extremely high fire danger due to long-term lack of rainfall, causing actual or threatened loss of life, property, and environment including in some cases watersheds for municipal water supplies; and

**Whereas**, all fireworks whether they are aerial, ground audible, or ground or hand-held sparkling and smoke devices, have the potential to cause life-, property-, and environment-threatening fire damage.

**Now, Therefore Be It Resolved** that the New Mexico Municipal League supports legislation to amend the Fireworks Licensing and Safety Act to allow local governments to impose restrictions on the sale and use of fireworks on all lands within their corporate boundaries and on lands owned by a municipality outside its boundaries up to and including an absolute ban on the sale and use of any type of fireworks any place within the corporate boundaries.

**Passed, Approved and Adopted** this 1st day of September, 2005 at the City of Roswell, New Mexico.

## RESOLUTION NO. 2005-39

### CONCERNING SUPPORT OF LEGISLATION FOR THE USE OF PHOTO RADAR ENFORCEMENT AND RED LIGHT CAMERAS

**Whereas**, “photo radar” is a system that combines a photograph of a vehicle and its driver with a record of speed checked by radio microwaves or other electrical device staffed during operation by a police officer; and

**Whereas**, “ Red Light Cameras” is a system that combines a photograph of a vehicle and its driver with a record of signal violations checked by radio microwaves or other electrical device staffed during operation by a police officer; and

**Whereas**, the use of photo radar and red light cameras may enable local governments to enforce speed and signal violations and improve safety in local communities; and

**Whereas**, these photo radar and red light cameras will modify driver behavior; and

**Whereas**, the use of photo radar and red light cameras could reduce accident rates, deaths, pain, suffering, permanent disabilities, inconvenience of lost income and property damage and decrease insurance rates; and

**Whereas**, it would benefit law enforcement by increasing traffic law compliance, reducing call outs and reporting which would give officers more time to patrol neighborhoods; and

**Whereas**, one speed camera has the impact of 19 additional traffic officers; and

**Whereas**, placing photo radar and red light cameras in certain areas could increase public and officer safety by reducing pursuits, confrontations and exposure to traffic; and

**Whereas**, speeding and signal violations by drivers of motor vehicles creates serious safety concerns in New Mexico’s local communities and is a frequently occurring driver error-related cause contributing to crashes; and

**Whereas**, this technology is used in over 70 countries; and

**Whereas**, after the deployment of photo radar and red light cameras in Mesa, Arizona accident rates were down 22%; in Portland, Oregon speed violations were down 30% after eight deployments; and in Tempe, Arizona school zone speed violations were down 50% in nine months; and

**Whereas**, current statutory language does not specifically enable the use of photo radar and red light cameras and such language is necessary for implementation; and

**Whereas**, program implementation would allow law enforcement agencies the opportunity to sell and re-energize traffic safety education to the public.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports the statutory revisions, which will enable implementation of photo radar and red light cameras within the state of New Mexico.

**Passed, Approved and Adopted** this 1st day of September, 2005 at the City of Roswell, New Mexico.

## RESOLUTION NO. 2005-40

### CONCERNING OPPOSITION TO MINIMUM STAFFING AND RESPONSE STANDARDS FOR FIRE DEPARTMENTS

**Whereas**, the National Fire Protection Association (NFPA) is an international association of individuals and trade and professional organizations; and

**Whereas**, NFPA's mission is "to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating scientifically-based consensus codes and standards, research and education;" and

**Whereas**, NFPA has produced over 275 codes and standards that deal with every aspect of fire and life safety; and

**Whereas**, NFPA is an internationally recognized authority in producing codes and standards dealing with fire and life safety; and

**Whereas**, the fire service has always been an active supporter of the NFPA and their standard making process; and

**Whereas**, NFPA has developed two standards, NFPA 1710, organizational and deployment of fire suppression operation, emergency medical services, and special operations to the public by career fire departments, and NFPA 1720, organizational and deployment of fire suppression, emergency medical operations, and special operations to the public by Volunteer fire departments; and

**Whereas**, standards 1710 and 1720 define minimum response times, minimum fire company staffing levels, initial full alarm response levels, and extra alarm response levels; and

**Whereas**, levels of service delivery for fire and emergency medical services (EMS) have always been determined by local jurisdictions; and

**Whereas**, NFPA 1710 and 1720 standards impose onerous, unfunded mandates upon local governments to meet established response times, and staffing levels, compounded when further consideration is taken by federal agencies, such as the Occupational Safety and Health Administration (OSHA), and insurance companies; and

**Whereas**, the International Fire Chiefs Association had repeatedly been able to defeat similar proposed standards since 1987; and

**Whereas**, the NFPA has clearly gone outside its authority in proposing these national minimum staffing and response standards; and

**Whereas**, NFPA codes and standards are voluntary and need to be adopted by local jurisdictions, these standards will be held to be the norm because of the stature of the NFPA in other codes and standards; and

**Whereas**, these standards were passed at the NFPA annual conference in May of 2001 and were appealed by numerous national groups including the National League of Cities.

**Now, Therefore Be It Resolved** that the New Mexico Municipal League opposes National Fire Protection Association development and publication of standards for fire department response and staffing levels to include specialized response or emergency medical services controlled by units of local government; and

**Be It Further Resolved** that the New Mexico Municipal League opposes any attempt by the National Fire Protection Association to adopt a standard dictating or affecting the response times of any fire, specialized operations or emergency medical services vehicle; and

**Be It Further Resolved** that the New Mexico Municipal League urges its members to continually protest National Fire Protection Association development and publication of standards 1710 and 1720 which preempt local authority; and

**Be It Further Resolved** that the New Mexico Municipal League opposes any attempt by the State Fire Marshal to adopt NFPA 1710 and 1720 as statewide standards.

**Passed, Approved and Adopted** this 1st day of September, 2005 at the City of Roswell, New Mexico.



**RESOLUTION NO. 2005-41**

**CONCERNING REIMBURSEMENT FOR LAW ENFORCEMENT  
TRAINING AT SATELLITE ACADEMIES**

**Whereas**, New Mexico state law requires law enforcement officers to be trained and certified within one year of their hiring date and requires that the state provide its basic training at no cost to local public bodies; and

**Whereas**, in addition to the state Academy located in Santa Fe, eleven certified satellite academies are currently providing training in various regions of the state; and

**Whereas**, overcrowding at the state Academy in Santa Fe causes delays in the basic training schedule and impacts the quality of law enforcement training; and

**Whereas**, the regional locations of satellite academies enables them to provide convenient service in a more timely manner; and

**Whereas**, the state pays the basic training costs for municipal cadets who attend the Academy in Santa Fe but does not reimburse municipalities for basic training their officers receive at satellite academies; and

**Whereas**, this inequity causes financial hardship on those municipalities that train their officers at satellite academies.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports legislation to require the state to reimburse municipalities for the costs of basic training for officers attending satellite academies.

**Passed, Approved and Adopted** this 1st day of September, 2005 at the City of Roswell, New Mexico.

**RESOLUTION NO. 2005-42**

**CONCERNING THE GOVERNOR'S EMERGENCY AUTHORITY  
REGARDING FIREWORKS**

**Whereas**, New Mexico is in a period of severe drought; and

**Whereas**, as a result of this drought, fire danger has been high in all areas of the state; and

**Whereas**, municipalities and counties currently have authority to ban the use and sale of certain types of fireworks, but not the express authority to ban all fireworks within their boundaries; and

**Whereas**, in such extreme conditions, any spark can ignite a catastrophic fire; and

**Whereas**, fire does not respect governmental boundaries; and

**Whereas**, according to his legal advisors, the Governor does not have the authority to ban fireworks statewide; and

**Whereas**, in times of extreme drought of a statewide nature, the Governor should have emergency authority to declare a statewide ban on fireworks.

**Now Therefore Be It Resolved** that the New Mexico Municipal League meet with the Governor for the purpose of urging him to obtain, through appropriate avenues, the authority to declare an emergency and to ban fireworks statewide, including within municipal boundaries, during times of extreme drought of a statewide nature; and

**Be It Further Resolved** that any proposed law prescribes that the Governor base his drought proclamation on the 10-day Fire Danger Outlook Map which is based upon the Energy Release Component (ERC) of the National Fire Danger Rating System and that the Governor could utilize additional indices should the need arise.

**Passed, Approved and Adopted** this 1st day of September, 2005 at the City of Roswell, New Mexico.

**RESOLUTION NO. 2005-43**

**CONCERNING THE FIRE PROTECTION FUND**

**Whereas**, the state legislative purpose of the Fire Protection Fund is to provide for distribution of funds "to incorporated cities, towns and villages, and to county fire districts, in proportion to their respective needs, for the use in operation, maintenance and betterment of local fire departments to the end that the hazards of loss by fire and fire insurance rates may be reduced and public safety thereby promoted;" and

**Whereas**, to many of the State-recognized fire departments, this funding represents their sole source of operating money; and

**Whereas**, because of financial limitations, a majority of the departments, especially small municipal and county departments, are unable to support any capital projects, including basic fire apparatus and equipment, apparatus repairs, fire station construction or expansion and hazardous materials response.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League seeks legislation to increase the Fire Fund distributions to fire departments and utilize the unallocated\_funds from the Fund to allow departments with a demonstrated need an opportunity to apply for additional funding, specific to the departments' needs.

**Passed, Approved and Adopted** this 1st day of September, 2005 at the City of Roswell, New Mexico.

## RESOLUTION NO. 2005-44

### CONCERNING OPPOSITION TO PROPOSED FEDERAL LEGISLATION CALLING FOR STATE AND LOCAL POLICE TO ENFORCE FEDERAL CIVIL IMMIGRATION LAWS

**Whereas**, the New Mexico Municipal League (NMML) strongly denounces terrorism and acknowledges that federal, state and local governments should protect the public from terrorist attacks in a rational and deliberate manner to ensure that security measures enhance public safety without violating the constitutional rights and infringing upon the civil liberties of its residents; and

**Whereas**, the NMML considers police the real experts in ensuring public safety and recognizes that local and state police in New Mexico have diligently responded to new homeland security mandates; and

**Whereas**, on July 9, 2003, Representative Charles Norwood (R-GA) introduced the Clear Law Enforcement for Criminal Alien Removal Act of 2003 (CLEAR Act), H.R. 2671 and on November 20, 2003, Senator Jeff Sessions (R-AL) introduced a similar measure entitled the Homeland Security Enhancement Act of 2003 (HSEA); and

**Whereas**, the CLEAR Act and HSEA will require local and state police to add federal civil immigration law enforcement to their already long list of duties or risk the loss of federal funding; and

**Whereas**, the enforcement of federal civil immigration law will distract local and state law enforcement from their primary mission of ensuring public safety and preventing crime in our community by having them focus on the apprehension of illegal immigrants instead of criminals and by adding burdensome paperwork and reporting requirements; and

**Whereas**, local law enforcement already has the authority to arrest anyone, regardless of immigration status, who commits a crime and threatens the public safety of our community; and

**Whereas**, the enactment of the CLEAR Act and the HSEA would undermine community policing and create an atmosphere where immigrants begin to see local police as federal immigration enforcement agents with the power to deport them or their family members, making them less likely to approach local law enforcement with information on crimes or suspicious activity; and

**Whereas**, the CLEAR Act and HSEA will lead to the misapplication of complex and technical immigration laws because local police will not be guaranteed the seventeen weeks of immigration law training required of federal enforcement agents; and

**Whereas**, New Mexico has enacted legislation to increase public and road safety that allows qualified applicants, regardless of immigration status, to obtain a driver's license and the enactment of HSEA would penalize any state which issues such licenses by withholding federal highway safety funds; and

**Whereas**, the CLEAR ACT and HSEA will endanger the lives of immigrant victims of crime by undermining the Violence Against Women Act (VAWA) and the Victims of Trafficking and Violence Prevention Act, both enacted by the federal government to provide them with particular protections; and

**Whereas**, many immigrant victims of crime are unlikely to report the crime to law enforcement if they believe that seeking police protection will result in deportation and ultimately in losing custody of their children; and

**Whereas**, enforcement of the CLEAR Act and HSEA invites racial profiling and other infringements on civil rights and liberties guaranteed under the United States Constitution of those individuals who speak languages other than English, appear to be of certain ethnic background or speak English with an accent; and

**Whereas**, the CLEAR Act and HSEA set a dangerous precedent of enforcement of federal law by local and state law enforcement; and

**Whereas**, immigrant communities play a vital role in the economic and cultural landscape of New Mexico and precaution must be taken to ensure that our laws do not insinuate that all immigrants are suspected terrorists; and

**Whereas**, over 56 ordinances, police directives, resolutions, and policies nationwide protect immigrants' access to police protection; and

**Whereas**, locally and nationwide there is a broad spectrum in opposition to the CLEAR Act and HSEA including law enforcement, elected officials and government associations, domestic violence prevention advocates, service providers, conservative thinkers, faith-based groups, civil rights, civil liberties, and human rights organizations, immigrant/refugee rights groups, labor unions, businesses, and financial service providers in addition to community members; and

**Whereas**, while the NMML supports the fight against terrorism at home and abroad, this goal cannot be reached by placing the unmanageable burden of enforcing federal civil immigration law on local and state law enforcement.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League opposes the enactment of the CLEAR Act and HSEA and any other legislation encouraging or compelling local law enforcement to enforce federal civil immigration laws; and

**Be It Further Resolved** that the New Mexico Municipal League reaffirms its commitment to civil rights and equal access to all municipal services including police protection regardless of immigration status.

**Passed, Approved and Adopted** this 1st day of September, 2005 at the City of Roswell, New Mexico.

## RESOLUTION NO. 2005-51

### CONCERNING THE ADOPTION OF APPROPRIATE PHYSICAL FITNESS STANDARDS FOR LAW ENFORCEMENT

**Whereas**, the New Mexico Law Enforcement Academy Board enforces the regulations and standards for qualifying law enforcement officers; and

**Whereas**, the current New Mexico standards, contained in the New Mexico Administrative Code, were taken from previous Cooper Institute “percentile” standards that are now outdated and pose problems if used as a mandatory standard for selection, training or maintenance; and

**Whereas**, the Cooper Institute has rejected its own “percentile” rankings since they do not predict the ability to do the job and do not demonstrate criterion validity; and

**Whereas**, with the required emphasis on job relatedness brought about by the Civil Rights Act of 1991 and the ADA, the age and gender based norms, as mandatory standards, are no longer recommended by the Cooper Institute; and

**Whereas**, according to Cooper, New Mexico’s fitness standards are age and gender adjusted thus conflicting with present law; and

**Whereas**, New Mexico Regulations are silent on any association between fitness standards and the jobs to which they must relate; and

**Whereas**, New Mexico makes no provision for certification reciprocity with other states in the matter of out-of-state peace officer hires; and

**Whereas**, forty-eight states have adopted new *Standards* – the ranges of which are found to be predictive of job performance.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League urge the State Law Enforcement Academy Board to adopt new Physical Fitness *Standards* for Law Enforcement.

**Passed, Approved and Adopted** this 1st day of September, 2005 at the City of Roswell, New Mexico.

## RESOLUTION NO. 2005-52

### CONCERNING GANG RELATED CRIME AND ACTIVITY IN NEW MEXICO

**Whereas**, New Mexico has a serious and growing gang problem that arises primarily from its geography and demographics; and

**Whereas**, in 2003-2004 there were 324 gangs and 6888 members; and

**Whereas**, the state has seen an increase in the number of hate groups, street gangs, prison gangs, outlaw motorcycle gangs, and their associated members, from the West Coast, Midwest, Mexico, Cuba, and neighboring states; and

**Whereas**, according to Uniform Crime Reporting data from 1999-2003, New Mexico has ranked in the top five among the most violent states; and

**Whereas**, there is a need for standardized definitions of a gang, gang member, and gang crime; and

**Whereas**, if criminal justice professionals are to effectively work together and share gang-related intelligence across jurisdictions, it is imperative that they employ the same standards to determine what constitutes a gang, gang member, and gang crime; and

**Whereas**, New Mexico had an overall crime index of 1064.18 per 100,000, which ranked the state as having the 13<sup>th</sup> highest total crime index among states. New Mexico also had a substantially high index rate in the categories of Violent Crimes, Forcible Rape, Aggravated Assault, Property Crimes, Burglary and Larceny. This disproportionately high crime rate is attributable in large part to gang-related or gang-member involved activity; and

**Whereas**, gang-related legislation has been enacted in every state that borders New Mexico.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports the Governor's initiative to reduce gang activity.

**Be It Further Resolved** that the New Mexico Municipal League supports legislation to enhance the basic sentence for crimes committed in furtherance of criminal gang activity.

**Passed, Approved and Adopted** this 1st day of September, 2005 at the City of Roswell, New Mexico.

**RESOLUTION NO. 2005-53**

**CONCERNING ADMINISTRATIVE SUSPENSION OF  
DRIVERS' LICENSES OF PERSONS DRIVING  
UNDER THE INFLUENCE OF DRUGS**

**Whereas**, driving while under the influence of alcohol and drugs has been identified as a major problem in New Mexico over the past 20 years; and

**Whereas**, the Legislature has taken many steps to discourage drivers from engaging in this destructive activity; and

**Whereas**, statutory penalties, standards, and administrative sanctions for persons driving under the influence of alcohol have been established and increased over the years in order to deter impaired driving; and

**Whereas**, the State of New Mexico has no administrative remedy to suspend the driver's license of a person who is driving under the influence of drugs, due in large part to the absence of standards to determine the levels of drug impairment at which administrative action could be taken; and

**Whereas**, the effects of driving under the influence of drugs are as destructive and no less costly as the effects of driving under the influence of alcohol.

**Now, Therefore Be It Resolved** that the New Mexico Municipal League seeks, through whatever avenues are appropriate, the establishment of administrative standards and procedures to suspend the driver's license of any person found to have been driving under the influence of drugs.

**Passed, Approved and Adopted** this 1st day of September, 2005 at the City of Roswell, New Mexico.



## RESOLUTION NO. 2005-61

### CONCERNING SUPPORTING ADDITIONAL LEGISLATION TO ATTACK THE GROWING METHAMPHETAMINE PROBLEM IN NEW MEXICO

**Whereas**, the dramatic increase in the manufacture and use of methamphetamine has been described by Senator Jim Talent of Missouri as “the single worst drug threat that any of us have confronted in our lifetime”; and

**Whereas**, the officials in the State of Minnesota report that 70-80% of the people in jail in that state are there for methamphetamine related crime; and

**Whereas**, in San Diego, tests reveal that over 35% of the men arrested in that city tested positive for methamphetamine in their system; and

**Whereas**, small children have been found at one-third of the methamphetamine labs raided by law enforcement officers; and

**Whereas**, forty-four (44) states have passed or are considering legislation relating to the manufacture and sale of methamphetamine; and

**Whereas**, Congress is currently considering the “Combat Meth Act” to provide a comprehensive federal response to the methamphetamine crisis; and

**Whereas**, in addition to legislation to control the sale, registration and distribution of pseudoephedrine and other methamphetamine precursors, additional legislation should be enacted to address other issues created by the methamphetamine epidemic.

**Therefore, Be It Resolved** that the New Mexico Municipal League supports legislation that will:

1. Increase funding for regional drug task force agencies or local public agencies;
2. Increase requirements for bail alternatives for offenses including the manufacture, sale and distribution of methamphetamine;
3. Increase penalties for the manufacture, sale and distribution of methamphetamine;
4. Provide funding to reimburse state and local public safety agencies for the cost of dismantling and cleaning up methamphetamine labs; and
5. Establish a statewide “Meth Stopper” program patterned after the existing “Crime Stoppers” program.

**Passed, Approved and Adopted** this 1<sup>st</sup> day of September, 2005, at the City of Roswell, New Mexico.